

Regular Meeting
March 13, 2003

A Public Hearing was held March 13, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to consider an increase in the income levels of Eligibility for Senior Citizen Real Property Tax Exemptions and for Disability Property Tax Exemptions from the Code to eliminate future costs of modifying income levels through amending the Code. The Town Board has reviewed the exemption level adopted by Erie County and has determined that it is in the best interest of the Town of Marilla to follow the exemption level adopted by Erie County. This resolution will increase income levels for property owned by and used as the legal residence of a person 65 years of age or older and a person with disabilities, whose income is limited by such disabilities. Income is limited in accordance with a sliding income scale providing a maximum fifty percent (50%) exemption for those persons with incomes under \$21,500 with no exemption for persons whose income exceeds \$29,900. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (15) persons were in attendance. Officials present were:

John R. Foss, Supervisor
Earl Gingerich, Jr., Councilman
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman

Supervisor Foss stated that the Public Hearing on the revised income level for Senior Citizen and Disability Property Tax Exemptions was now open for comment. Hearing no comments from those in attendance, the hearing was closed at 7:34 p.m.

Respectfully Submitted,

Town Clerk

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A Regular Meeting of the Marilla Town Board was held March 13, 2003 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Earl Gingerich, Jr., Councilman
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Highway Superintendent Dave Pierce reported that Bullis Road will be closed from March 14th to August 29th, the State will be working on the bridge.

Councilman Gingerich reported that plans for Memorial Day are moving ahead. This year's committee is Carla Miley, Kandace Wittmeyer, Herbert Foss, Gerald Cook, Norman Gerhardt, and Jeff Lewinski. We are ordering 800 chicken dinners this year and Cindy Forster from Welland Ontario will be the speaker. He also reported that there will be a meeting for the Sesqui- Centennial Executive Committee on March 18th at the Town Hall at 7:30 pm.

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Councilman Spanitz reported that the Marilla Memorial Pavilion Committee is still selling bricks, if Veteran's bricks are ordered in March they will be in for Memorial Day.

Councilman Specht reported that the heating system at the Community Center is complete. He met with MJ Mechanical Services and we should see a reduction in energy consumption, which will be a savings to the Town. He will be reviewing a proposal from Paine-Weber for the Firemen's awards program. He also reported that the Highway Garage is now on the internet using Buffnet.

Supervisor Foss reported that with assistance from Kotas and Kotas he had completed the 2002 financial report and it was filed with the State of New York on February 28th and with the Town Clerk's Office on March 5th as required by the State Comptrollers Office. This report showed that the Town is still in good financial condition. The Town's annual combined borrowing is scheduled to occur on April 9th with the bids for the bonds due on April 1st at 11 :00 a.m. in my office. The Town's debt ratio is 2.7% one of the lowest in New York State. A low debt ratio means the Town Board is doing a good job of managing debt and maintaining cash flow and keeping Town taxes at a low level. We are expecting a low bid for these bonds and it will help keep future budgets from major increases.

He reported that the North East Solid Wastes group met today at 4:00 p.m and reviewed the final solid wastes plan for the NEST group. Once the final document is finished the Town will have to approve the document and we will then be in compliance with the DEC mandates.

He explained that the Quik Fill gas station and mini mart is beginning to move along to completion. The actual work should begin soon and Greg Wiley assured me he wants to complete it as soon as possible. He hopes to be operational by late spring or early summer. We wish Greg and his wife success with their new business.

Open Board Presentation From the Public

None

Old Business

Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve the Minutes from the Special Meeting held on 2/11/03 and Regular Board Meeting held on 2/13/2003. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the Senate Bill 201, The State and Local Aid and Economic Stimulus Act of 2003 introduced into the Senate by Senator Olympia Snowe and Senator Charles Schumer. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to proclaim Municipal Clerk's Week, April 27th through May 3, 2003. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to approve Senator Volker's Bill S.622A/A.3483 to reduce tort reform. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to give permission to Tri-Town United Soccer Club to use the Town of Marilla Soccer Fields for the 2003 season. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to adopt the following resolution:

WHEREAS, Elma, Marilla, Wales Sports, Inc. provides services for the benefit of the residents of the Town of Marilla; and

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WHEREAS, the Town of Marilla has made provision in the 2003 Budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with Elma, Marilla, Wales Sports, Inc. with an annual payment of \$3,300 for the year 2003, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Motion Carried.

WHEREAS, the Boys and Girls Club of Elma, Marilla, Wales, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2003 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with The Boys and Girls Club of Elma, Marilla, Wales, Inc. with an annual payment of \$3,500 for the year 2003, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to approve the following resolution:

WHEREAS, the Town Board of the Town of Marilla has eliminated the income levels for Senior Citizen Real Property Tax Exemptions and for Disability Property Tax Exemptions from the Code to eliminate future costs of modifying income levels through amending the Code; and

WHEREAS, the Town Board still wishes to offer Senior Citizens of limited income and persons with disabilities with limited income some property tax relief; and

WHEREAS, the Town Board has reviewed the exemption level adopted by Erie County and has determined that it is in the best interest of the Town of Marilla to follow the exemption level adopted by Erie County; and

WHEREAS, a public hearing has been duly held as required by law.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF MARILLA DOES HEREBY ADOPT THE FOLLOWING EXEMPTION LEVELS FOR SENIOR CITIZEN AND DISABILITY EXEMPTIONS TO BE EFFECTIVE WITH THE 2004 TAX YEAR OF THE TOWN OF MARILLA

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Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Up to \$21,500	50%
\$21,500 or more but less than \$22,500	45%
\$22,500 or more but less than \$23,500	40%
\$23,500 or more but less than \$24,500	35%
\$24,500 or more but less than \$25,400	30%
\$25,400 or more but less than \$26,300	25%
\$26,300 or more but less than \$27,200	20%
\$27,200 or more but less than \$28,100	15%
\$28,100 or more but less than \$29,000	10%
\$29,000 or more but less than \$29,900	5%
\$29,900 or more	No exemption

In order to qualify for the exemption levels as set forth herein, applications must be submitted in accordance with the manner prescribed by Section 467 of the Real Property Tax Law of the State of New York.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Marilla held on March 13, 2003, the results of which were as follows:

Councilman Spanitz – Aye	Councilman Specht –Aye
Councilman Gingerich – Aye	Councilman Gertz – Aye
Supervisor Foss – Aye	

Motion Carried.

- Motion: Councilman Specht moved, seconded by Councilman Gertz to approve a resolution creating the position of an additional Motor Equipment Operator. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to appoint Dave Arnold of Bullis Road to the Maintenance Department and to begin on Monday, March 17th, 2003 at a pay rate of \$13.16 per hour. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to reduce the water tax on parcel 140.00-5-20, owned by Michael and Jennifer Kibler to \$15.00 as a land locked parcel. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to approve a maintenance agreement with MJ Mechanical Services, Inc. for the heating, air conditioning, and refrigeration equipment at the Community Center for 2 inspections per year at a cost of \$118 per inspection. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the Agway Building Site Demolition Plan on the corner of Bullis Road and West Avenue by Nussbaumer & Clarke, Inc. at a cost of \$11,710.00. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht to make the 1974 Galion Roller a surplus item. Motion Carried.

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Report of Town Officials

Engineer Mike Smith reported that they are meeting with residents from Highland Glens in Bennington to discuss the possibilities of being included in the water district plans. He explained that now is the time to ask for financial assistance from Rural Development for proposed water districts. He also reported of a seminar that may be beneficial for a member of the Town Board to attend on April 22nd thru the 24th, it would pertain to inter-municipal agreements. He would have more information on the seminar before the next board meeting.

Building Inspector John Fronczek submitted a written report with 0 building applications received with fees totaling \$0, 0 building permits issued with a total value of \$ 0, 8 inspections were made and 0 complaints were acted on. There were a total of 83 activities. Mobile Home Park units have been counted for accuracy and corrections given to the Town Clerk. John Fronczek and Scott Rider completed a three day Niagara Frontier Building Conference held in February, receiving 20 of 24 required training credits. One Special Use Renewal Permit issued.

Town Assessor Kandace Wittmeyer wanted to remind residents to have their exemptions in by May 1st.

Planning Board minutes have been received and posted.

CAB minutes have been received and posted.

Andy Farmer from the Marilla Fire Company stated the Fire Company's upcoming events: the annual chicken barbeque will be March 30th. There will be a meat raffle on April 12th, an open house at the Fire Garage on May 25th, the Memorial Day Parade on May 26th, the Firemen's Carnival on June 13th and 14th.

Town Historian Hubert Kutter announced that the Historical Society is having a program on the history of jello on March 25th at 7:00 pm.

Supervisor Foss wanted to wish past Town Clerk and Tax Collector Katherine Hodges best wishes on her recent operation.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spantiz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 61-99	\$	34,680.16
Highway Fund Claims, Vouchers 43-64	\$	44,480.03
Special Districts		
Sanitation (SR), Vouchers 24-36	\$	7,888.93
Special Fire, Vouchers	\$.00
Water District #2, Vouchers 4-8	\$	2,670.67
Water District #3, Vouchers 2-3	\$	1,447.05
Water District #4, Voucher 2	\$	743.59
Community Develop. PACE voucher 3	\$	38.84

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to adjourn at 8:05 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman